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No. 39]

NEW DELHI, SATURDAY, OCTOBER 25, 1997/KARTIKA 3, 1919

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)

PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य भेल प्रशासनों को छोड़कर) द्वारा जारी किये गये आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than the Administrations of Union
Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 अक्तूबर, 1997

आ.अ. 230.—जबकि निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में प्रामाणिकीकृत
फरवरी, 1997 में हुए पंजाब राज्य में विधान सभा के साधारण निर्वाचन के लिए जो स्तम्भ (3) में तदनुसूची विनिर्दिष्ट
निर्वाचन क्षेत्र से हुआ है, के स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाले अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम,
1951 तथा तद्वर्ती बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथादर्शित अपने निर्वाचन व्ययों का
लेखा दाखिल करने में बिल्कुल असफल रहे हैं/उनके द्वारा दाखिल लेखा समय के भीतर नहीं है और/प्रत्येक विधि द्वारा निर्धारित
ढंग से नहीं है ;

और जबकि, उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा
स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए प्रस्तावों पर यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह
समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यावृत्ति नहीं है ;

अतः, अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट
व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने
जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए एतद्वारा निरहित घोषित करता है ।

सूचना

क्रम सं.	निर्वाचन का विवरण	निर्वाचन क्षेत्र की संख्या और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निराकांक्षता का कारण
1.	2.	3.	4.	5.
1.	पंजाब राज्य में विधान सभा के लिए साधारण निर्वाचन, 1997	29-जालन्धर छावनी	श्री अलेख, 173, न्यू जवाहर नगर, जालन्धर, पंजाब ।	निर्वाचन क्षेत्रों का कोई भी लेखा दाखिल नहीं किया ।
2.	--वही--	30-जालन्धर उत्तर	श्री अपि पाल, न्यू बलदेव नगर, भाथा मार्किट, जालन्धर, पंजाब ।	--वही--
3.	--वही--	41-जालन्धर केन्द्रीय	श्री सुभाष चन्द्र, एन० एफ०-46-किला मोहल्ला, जालन्धर, पंजाब	--वही--
4.	--वही--	--वही--	श्री गगन कुमार, गांव व पो आ लम्बरा, पंजाब ।	--वही--
5.	--वही--	33-करतारपुर (अ. जा.)	श्री स्वर्ण सिंह जालोखल कालोनी पो.आ. -जलोवल, जि० जालन्धर पंजाब ।	--वही--
6.	--वही--	35-नकोदर	मुरजीत कौर गांव व पो आ -शंकर, तह० नकोदर, जिला जालन्धर, पंजाब ।	--वही--
7.	--वही--	35-नकोदर	श्री चिन्दर पाल "राणा", गांव व पो. आ. -कहाना धेसियन, तह० फिल्लौर, जिला जालन्धर, पंजाब ।	--वही--
8.	--वही--	60-लुधियाना ग्रामीण	श्री चितरंजन कुमार, कार्यालय सी.पी. आई, (एम.एल.), शरपर फौजी कालोनी, शेर कला, लुधियाना, पंजाब ।	--वही--

1.	2.	3.	4.	5.
9.	पंजाब राज्य में विधान सभा के लिए साधारण निर्वाचन, 1997	69-खराड़	श्री भव खन्डेल सिंह, मकान नं 1917, फेस-5, मोहाली, पंजाब ।	निर्वाचन व्यर्थों का कोई भी वेत्ता दावा नहीं किया ।
10.	--वही--	70-पटियाला शहर	श्री इन्दर कुमार, 1938/2, ब्राह्मकुवाणिया स्ट्रीट, अरनाब राणा चौक, पटियाला पंजाब ।	--वही--
11.	--वही--	--वही--	श्री हरि सिंह राणा, 4574-स्ट्रीट नं 2, अंगदपुरा, नजदीक सरहंदा गेट, पटियाला, पंजाब ।	--वही--
13.	--वही--	--वही--	श्री मुस्ता खान, घो-263, शिवान उदय सिंह स्ट्रीट, अदालत बाजार, परियाला, पंजाब ।	--वही--
13.	--वही--	81-मनेरकोटला	श्रीमती हरपाल कौर, गांव व पो 0 आ 0 -गोपीबाल, तहसील मनेरकोटला, पंजाब ।	--वही--
14.	--वही--	99-मोगा	श्री विक्टर सैमुअल, मिशन स्कूल कम्पाउंड, मोगा, पंजाब ।	--वही--

[सं 76/पञ्जाब-वि 50/97 (3)]

आदेश से,
क. जे. राव, सचिव

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 7th October, 1997

O.N. 230.—Whereas, the Election Commission of India is satisfied that the contesting candidates specified in column (4) of the Table below at the General Election to the Legislative Assembly held in February, 1997 in the State of Punjab, as specified in column (2) and held from constituency correspondingly specified in column (3) against their names have either failed to lodge any account of their election expenses, or have failed to lodge their account of election expenses in time and/or in the manner specified by law, as shown in column (5) of the Table, as required by the Representation of

the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

TABLE

Sl. No.	Particulars of election	No. and Name of Constituency	Name and address of contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to the Legislative Assembly held in 1997 in the State of Punjab	29-Jullundur Cantonment	Shri Alep, 173, New Jawahar Nagar, Jalandhar, Punjab.	Failure to lodge any account of election expenses.
2.	-do-	30-Jullundur North	Shri Rishi Pal, New Baldev Nagar, Bhatha Market, Jalandhar, Punjab.	-do-
3.	-do-	31-Jullundur Central	Shri Subhash Chander, N.F. 46-Qilla Mohalla, Jalandhar, Punjab.	-do-
4.	-do-	-do-	Shri Gagan Kumar, V.P.O. Lambra, Punjab.	-do-
5.	-do-	33-Kartarpur (SC)	Shri Swaran Singh, Jallowal Colony, P.O. Jallowal, Distt. Jalandhar, Punjab.	-do-
6.	-do-	35-Nakodar	Surjit Kaur, Vill. & P.O. Shankar, Teh. Nakodar, Distt. Jalandhar, Punjab.	-do-
7.	-do-	-do-	Shri Chinder Pal "Rana", Vill. & P.O. Kahana Dhesian, Teh. Phillaur, Distt. Jalandhar, Punjab.	-do-
8.	-do-	60-Ludhiana Rural	Shri Chitranjan Kumar, Office CPI (ML) Sherpur Fauji Colony, Sher Kalan, Ludhiana, Punjab.	Kdc-
9.	-do-	69-Kharar	Shri Bhav Khandan Singh, H. No. 1917, Phase-5, Mohali, Punjab.	-do-
10.	-do-	76-Patiala Town	ShriINDER Kumar, 1938/2, Ahluwalia Street, Arna Barna Chowk, Patiala, Punjab.	-do-

1	2	3	4	5
11.	General Election to the 76-Patiala Town Legislative Assembly held in 1994 in the State of Punjab		Shri Hari Singh Rana, 4574, Street No. 2, Angadpura, Near Sirhandi Gate, Patiala, Punjab	Failure to lodge any account of election expenses.
12.	-do-	-do-	Shri Mussa Khan, B-263, Tiwan Uday Singh Street, Adalat Bazar, Patiala, Punjab	-do-
13.	-do-	81-Malerkotla	Smt. Harpal Kaur, Vill. & P.O. Bhogiwal, Tehsil Malerkotla, Punjab	-do-
14.	-do-	99-Moga	Shri Victor Samuel, Mission School Compound, Moga, Punjab	-do-

[No. 76/PB-LA 97(3)]

By Order,
K.J. RAO, Secy.

नई दिल्ली, 8 अक्टूबर, 1997

आ. अ. 231:—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1996 की अर्जी सं. 3 में शिमला स्थित हिमाचल प्रदेश उच्च न्यायालय के तारीख 26 अगस्त, 1997 के निर्णय को एतद्वारा प्रकाशित करता है।

(निर्णय अधिसूचना के अंग्रेजी भाग में छापा है)

[सं. 82/दि. प्र.—लो. सं./3/96]

आदेश से,
के. जे. राव, सचिव

New Delhi, the 8th October, 1997

O.N. 231.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes Judgement dated 26th August, 1997 of the High Court of Himachal Pradesh at Shimla in Election Petition No. 3 of 1996.

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Election Petition No. 3 of 1996

Sanjay Kumar Sharma Date of decision August 26, 1997

.. Petitioner

Versus

.. Respondent

Sat Mahajan

Coram

The Hon'ble Mr. Justice R. L. Khurana, J.

The Hon'ble Mr. Justice

The Hon'ble Mr. Justice

For the Petitioner(s)—Mr. Rajendra Kishore Sharma,
Advocate.

For the Respondent(s)—Mr. M. S. Chandel and Mr.

Deepak Gupta, Advocates.

R. L. Khurana, J.

The elections to the 11th Lok Sabha were held in April 1996. In such elections, respondent Sat Mahajan was declared elected from 3-Kangra Parliamentary Constituency of Himachal Pradesh on 9-5-1996. There were as many as fifteen candidates in this Constituency, who contested the elections.

By virtue of the present petition preferred under sections 80 and 100 read with section 123, Representation of the People Act, 1951 (For short 'the Act'), the petitioner, who is a voter in Ward No. 8, Dharamsala, forming part of this constituency, has called in question the election of the respondent and has prayed that—

- the election of respondent from 3-Kangra Parliamentary Constituency be declared null and void quashed and set aside; and
- the respondent be disqualified from contesting any election for a period of six years, as per law.

The petitioner has based his petition on the sole ground that the respondent was guilty of corrupt practices as defined under section 123 of the Act. It has been averred in paras 7 to 12 of the petition in the following, terms :

"7. That the election of the respondent, Shri Sat Mahajan, is liable to be set aside and declared as void and illegal on the ground that he is guilty of corrupt practice under section

123 of the Representation of People Act, 1951 (hereinafter to be called as the Act).

8. That the maximum limit for the election expenditure, as prescribed for the election of Lok Sabha in Himachal Pradesh is Rs. 4,15,000/- for each Parliamentary Constituency. However, the respondent has spent much more than the prescribed limit, as authorised and prescribed, in the election. The respondent and prescribed, in the election. The respondent in his return of election expenditure has shown the total expenses incurred by him in the election as Rs. 2,60,152.79. An attested copy of the said expenditure return of the respondent, alongwith his affidavit sworn and filed in support of the said return are enclosed herewith as Annexure P-1 and P-2, respectively. The respondent has not submitted the true and correct expenditure return of his election expenditure and he has spent more than the maximum limit authorised and prescribed.

9. That Shri Virbhadra Singh, the Chief Minister Himachal Pradesh, with the consent of the respondent used the Helicopter for campaigning, canvassing and electioneering work for securing votes for the respondent in the constituency, with a view to win the election. In the return, Annexure P-1, the total expenditure towards the use of Helicopter has been shown as Rs. 39,292.00. In the return, it has been mentioned that this expenditure is shown on the basis of voucher No. 196 but this voucher No. 196 is a simple letter written from the office of the Himachal Pradesh Congress Committee. A copy of the letter dated 1-5-1996 is enclosed herewith as Annexure P-3. However, it will be pertinent to mention here that on 3-4-1996, the Helicopter started from Sappri, Tehsil Dehra, District Kangra and it reached at Gaggal at 11 a.m. This was a flight of half an hour and the charges paid for this half an hour flight are Rs. 45,000/- (Rs. Forty five thousand) according to the prescribed rates. This Helicopter was made to halt at Gaggal for three hours and the halting charges at the rate of Rs. 55,000/- per hour were paid. As such, the total amount, during the election campaign of Kangra Parliamentary Constituency for hiring of the Helicopter comes to Rs. 2,10,000/-, while in the return only an amount of Rs. 39,292/- has been shown by the respondent. The Helicopter, which is used normally by the State Government has been taken by it on lease from M/s. Masco Airlines, New Delhi. The rate of the flight of the Helicopter has been agreed to be paid at Rs. 90,000/- per hour. The information about the lease of the Helicopter and its rates/charges is being given on the basis of the reply tabled on the floor of the Himachal Pradesh Vidhan Sabha in answer to starred question No. 2271, on 11-1-1996, by the Chief Minister. Copy of the question and its answer are enclosed herewith as Annexures P-4 and P-5, respectively.

As such, the respondent is guilty of filing and submitting an incorrect statement of expenditure. He is further guilty of swearing a false affidavit, which he has enclosed alongwith his expenditure return.

In view of the position explained above, in this para, the respondent has incurred an expenditure in contravention of section 77 of the Act and thus he is guilty of corrupt practice as mentioned in sub-section (6) of section 123 of the Act.

10. That during the election, the respondent has got published advertisement in the various newspapers. He has also got published the tour programme of Shri Virbhadra Singh, the Chief Minister of Himachal Pradesh, in various newspapers for his canvassing, electioneering work in the constituency with a view to win the election, in this return. The total expenditure shown in Annexure P-1 for the newspaper advertisements is Rs. 13,770/1 but in fact, the respondent has spent a sum of Rs. 1,50,000/- for getting the advertisements published in connection with this election campaign in various newspapers, the particulars of which are as under :

Name of Newspaper	Date
Punjab Kesari	12-4-1996
(Published by Hind Samachar Ltd.), Jullundur	14-4-1996
	17-4-1996
	23-4-1996
Jansatta	12-4-1996
	15-4-1996
	18-4-1996
	26-4-1996

Name of Newspaper	Date
Vir Partap	12-4-1996
	15-4-1996
Ajit Samachar	12-4-1996
	15-4-1996
	26-4-1996
Dainik Tribune	15-4-1996

The bill (voucher) issued by the Hind Samachar Limited to Himachal Pradesh Congress Committee, Shimla, regarding the above mentioned newspaper (Punjab Kesari) is enclosed herewith as Annexure P-6. The newspaper cutting of Punjab Kesari, published by Hind Samachar Limited, Jullundur, are enclosed herewith as Annexures P-7/A to P-7/D, respectively.

The payment in respect of publication of advertisement published in Jansatta was settled by the Himachal Pradesh Congress Committee with the newspaper at Rs. 5,938/-. This fact is clear from the letter dated 28-5-1996, written from the H. P. Congress Committee, Shimla to the advertisement Manager, Jansatta. Copy of the letter is enclosed herewith as Annexure P-8. The clippings of the newspaper (Jansatta) dated 12-4-1996, 15-4-1996, 18-4-1996 and 26-4-1996, are enclosed herewith as Annexures P-9/A to P-9/D, respectively.

The Virpartap, Jullundur, has issued the bills for the aforesaid publications vide Bill Nos. 27005, 27015, 27026, 27048, 27053, 27054, respectively. The clippings of the newspaper for 12th and 15th April, 1996, are enclosed herewith as Annexures P-10/A and P-10/B, respectively.

The Bill No. 1-C/1492 dated 12-4-1996 is enclosed herewith as Annexure P-12 for publication of advertisement in Ajit Samachar. Bill No. 1-C 1562 dated 15-4-1996 are enclosed herewith as Annexures P-11 and P-12, respectively. Clippings of the newspaper dated 12th, 15th and 26th April, 1996, are enclosed herewith as Annexures P-13/A to P-13/C, respectively.

The cutting from Dainik Tribune, dated 15th April, 1996, publishing the tour programme of Prime Minister of India, is also enclosed herewith as Annexure P-14.

11. That the respondent in his return has shown only an amount of Rs. 13,770/- for newspaper advertisements for the election. In fact, the total amount for these advertisements, which falls to the share of the respondent and spent by him for this purpose, comes to Rs. 1,50,000/-.

In view of the position explained, in paras 10 and 11 supra, the respondent has incurred the expenditure in contravention of section 77 of the Act and he is guilty of corrupt practices as mentioned in sub-section (6) of section 123 of the Act. As he has supported the return of expenditure with an affidavit and the said affidavit has thus been falsely sworn, therefore, the respondent is also guilty of suppressing the material and correct facts and swearing the false affidavit. Therefore, the election of the respondent is liable to be quashed and set aside.

12. That Shri P. V. Narsingharao, the then Prime Minister of India and Congress President, Indian National Congress, visited Kangra on 15-4-1996, at 2 p.m. and addressed a public rally/meeting at Kangra Committee ground for canvassing, campaigning and electioneering work for securing votes for the respondent in the constituency, with a view to win the election. He came in Helicopter from Kurukhstra (Haryana) to Kangra and then back. The respondent has failed to include his expenditure of the visit of the Prime Minister, in his expenditure return. Besides this, the expenditure which has incurred towards the arrangements made for the public rally/meeting at Kangra on that date has also not been included and shown by the respondent in his expenditure return. The respondent has also not shown the expenses of hiring of pandal, arranging stage, reception gates, putting Shamianas, loudspeakers, hiring of chairs etc. etc. on that date, in the expenditure statement.

The respondent has incurred the expenses in contravention of section 77 of the Act and he has crossed the prescribed limit. Thus he is guilty of corrupt practices as mentioned in sub-section (6) of section 123 of the Act. As he has supported the return of expenditure with an affidavit, which

affidavit has thus been falsely sworn, therefore, the respondent is also guilty of suppressing the material and correct facts and swearing the false affidavit. Therefore, the election of the respondent is liable to be quashed and set aside."

The respondent, while resisting and contesting the petition has denied the averments made with regard to the alleged corrupt practices imputed against him. It was averred that the petition did not disclose any enforceable cause of action; the petition had not been properly verified in accordance with law; the affidavit filed in support of the petition was not in accordance with law and that the copies of the petition supplied to the respondent were not true copies of the petition.

On the basis of the pleadings of the parties, following issues were framed on 23-5-1997:—

1. Whether the copies of petition supplied by the petitioner to the respondent are not the true copies of the petition, as detailed in preliminary objections 1 to 4 of the reply? If so, its effect? OPR
2. Whether the affidavit filed by the petitioner is not in accordance with law as alleged? If so, its effectable cause of action, as OPR
3. Whether the petition has not been properly verified in accordance with law, as alleged? If so, its effect? OPR
4. Whether the petition does not disclose any enforceable cause of action, as alleged? If so, its effect? OPR
5. Whether the respondent has spent more money than the maximum limit as prescribed under law as alleged in the petition? OPP
6. Whether the respondent has submitted incorrect statement of expenditure as alleged in the petition? If so, its effect? OPP
7. Whether the respondent is guilty of corrupt practices, as alleged in the petition? If so, to what effect? OPP
8. Relief.

Vide order dated 9-7-1997, issues No. 1 to 4 were ordered to be treated as preliminary issues. By this order, such preliminary issues are being disposed of.

I have heard the learned counsel for the parties and have also gone through the record of the case. My findings on the abovesaid preliminary issues 1 to 4 are as under:

Issue No. 1

The respondent has averred in paras 1 to 4 of preliminary objections of his reply that—

- (i) the copies of the petition supplied to him, alongwith the summons, have not been attested to be true by the petitioner;
- (ii) from the copies of annexures P1 to P3, supplied, it cannot be deciphered as to who had attested the same to be true copies of the documents;
- (iii) the list of documents supplied alongwith summons is not the true copy of the list filed before the court nor the same has been attested to be the true copy of the original list; and
- (iv) the copy of the petition supplied alongwith summons is not the true copy of the original petition.

Nothing has been brought on the record by the respondent in support of the above contentions. So much so that even the relevant copies supplied to him, alongwith the summons have not been placed on the record. In the absence of anything on the record, the issue is answered in the negative and accordingly decided against the respondent.

Issues No. 2 and 3

Both these issues were not pressed during the course of hearing by the learned counsel for the respondent. The same are, as such, decided against the respondent.

Issue No. 4

The learned counsel for the respondent has contended of the petition is liable to be dismissed at the preliminary stage, since the same does not disclose any enforceable cause of action inasmuch as the pleadings regarding the alleged corrupt practices lack material facts required under the law to be pleaded.

The learned counsel for the petitioner, on the other hand, has contended that the petition does not lack the material facts and particulars with regard to the corrupt practices. The pleadings set out do make out a prima facie case and an enforceable cause of action.

The relevant pleadings as set out in paras 7 to 12 of the petition have already been reproduced above. The submissions made under the present issue by the learned counsel for the respondent have to be appreciated in the light of such pleadings.

In order to appreciate the proposition put forth on behalf of the respondent, it will not be out of place to refer to certain material provisions of the Act.

Section 83, which deals with the contents of the election petition, reads:—

"83 Contents of petition.

(1) An election petition—

- (a) shall contain a concise statement of the material facts on which the petitioner relies;
- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particular thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition."

Section 100(1) of the Act provides for the grounds on which an election can be declared void. This section, insofar as is relevant for the purpose of the present case, reads:—

"(1) Subject to the provisions of sub-section (2), if the High Court is of opinion—

- (a) or
- (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
- (c) or
- (d)

the High Court shall declare the election of the returned candidate to be void."

Section 123 of the Act defines "Corrupt Practices", in the following terms:—

123. Corrupt practices.

The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) 'Bribery', that is to say—

- (a) any gift, offer or promise by a candidate or his agent or by any other person with the consent of

a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

- (a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election, or
- (b) an elector to vote or refrain from voting at an election, or as a reward to—
 - (i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn or not having withdrawn his candidature; or
 - (ii) an elector for having voted or refrained from voting;
- (b) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—
 - (a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being a candidate; or
 - (b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

Explanation—For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of, any election and duly entered in the account of election expenses referred to in Section 78).

(2) Undue influence, that is to say, any direct or indirect interference, or attempt to interfere on the part of the candidate, or his agent, or of any other person with the consent of the candidate or his election agent, with the free exercise of any electoral right :

Provided that—

- (a) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—
 - (i) threatens any candidate or any elector, or any person in whom a candidate or an elector interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community or
 - (ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure.
- shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause ;
- (b) a declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate;

Provided that no symbol allotted under this Act to a candidate shall be deemed to be religious symbol or a national symbol for the purposes of this clause.

(3-A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religious, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(3-B) The propagation of the practice or the commission of sati or its glorification by a candidate or his agent or any other person with the consent of the candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

Explanations—For the purposes of this clause, 'sati' and 'glorification' in relation to sati shall have the meanings respectively assigned to them in the Commission of Sati (Prevention) Act, 1987.

(4) The publication by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent or the use of such vehicle or vessel for the free conveyance of any elector other than the candidate himself, the members of his family or his agent to or from any polling station provided under Section 25 or a place fixed under sub-section (1) of Section 29 for the poll :

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power ;

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation—In this clause, the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The incurring or authorizing of expenditure in contravention of Section 77.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his election agent, any assistance other than the giving of vote for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely :—

- (a) gazetted officers ;
- (b) stipendiary judges and magistrates ;
- (c) members of the armed forces of the Union ;
- (d) members of the police forces ;
- (e) excise officers ;
- (f) revenue officers other than village revenue officers known as lambardars, malguzars, patels, desmukhs or by any other name, whose duty is to collect land revenue and who are remunerated by a share of, or commission on, the amount of land revenue collected by them but who do not discharge any police functions; and

- (g) such other class of persons in the service of the Government as may be prescribed :

Provided that where any person, in the service of the Government and belonging to any of the classes aforesaid in the discharge or purported discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for, to, or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

- (8) Booth capturing by a candidate or his agent or other person.

Explanation—(1) In this section the expression 'agent' includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

(2) For the purposes of clause (7), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

(3) For the purposes of clause (7), notwithstanding anything contained in any other law, the publication in the Official Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Central Government (including a person serving in connection with the administration of a Union territory) or of a State Government shall be conclusive proof—

- (i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, and
- (ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from service such person ceased to be in such service with effect from the said date.

(4) For the purpose of clause (8), 'booth capturing' shall have the same meaning as in Section 135A."

The petitioner has averred that the respondent is guilty of corrupt practices, inasmuch, as he had incurred or authorised expenditure in contravention of Section 77 of the Act.

Section 77 imposes a duty upon every candidate at an election to keep, either by himself or by his election agent, a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent for the period between the date on which he has been nominated and the date of declaration of the result of the election. It reads :—

"77. Account of election expenses and maximum thereof.

(1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

Explanation 1.—Notwithstanding any judgment, order or decision of any court to the contrary any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorised by the candidate or by his election agent for the purposes of this sub-section :

Provided that nothing contained in this Explanation shall affect—

- (a) any judgment, order or decision of the Supreme Court whereby the election of a candidate to the House of the People or to the Legislative Assembly of a State has been declared void or set aside before the commencement of the Representation of the People (Amendment) Ordinance, 1974 (Ord. 13 of 1974);
- (b) any judgment, order or decision of a High Court whereby the election of any such candidate has been declared void or set aside before the commencement of the said Ordinance if no appeal has been preferred to the Supreme Court against such judgment, order or decision of the High Court before such commencement and the period of limitation for filing such appeal has expired before such commencement.

Explanation 3.—For the removal of doubt, it is hereby declared that any expenditure incurred in respect of any arrangements made, facilities provided or any other act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause (7) of section 123 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenditure in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

(2) The account shall contain such particulars, as may be prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed."

Dealing with the scope and ambit of the provisions contained in sections 77, 83 and 123(6) of the Act, the apex court in *Dhartinakar Madan Lal Agarwal v. Shri Rajiv Gandhi* (AIR 1987 SC 1577), has held :

"The Representation of the People Act is a complete and self-contained Code within which any rights claimed in relation to an election or an election dispute must be found. The provisions of the Civil Procedure Code are applicable to the extent as permissible by S.87 of the Act. The scheme of the Act as noticed earlier would show that an election can be questioned under the statute as provided by S.80 on the grounds as contained in S.100 of the Act. Section 83 lays down a mandatory provision in providing that an election petition shall contain a concise statement of material facts and set forth full particulars of corrupt practice. The pleadings are regulated by S.83 and it makes it obligatory on the election petitioner to give the requisite facts, details and particulars of each corrupt practice with exactitude. If the election petition fails to make out a ground under S.100 of the Act it must fail at the threshold. Allegations of corrupt practice are in the nature of criminal charges, it is necessary, that there should be no vagueness in the allegation so that the returned candidate may know the case he has to meet. If the allegations are vague and general and the particulars of corrupt practice are not stated in the pleadings, the trial of the election petition cannot proceed for want of cause of action. The emphasis of law is to avoid a fishing and roving inquiry. It is therefore necessary for the court to scrutinize the pleadings relating to corrupt practice in a strict manner.

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Section 77 requires a candidate to keep a separate and correct account of all expenditure 'in connection with the election incurred or authorised by him or by his election agent' between the date of his nomination and the date of declaration of the result of the election. The candidate is required

to maintain account of only that expenditure which he or his election agent may have authorised before the expenditure was actually incurred, which would imply that the candidate or his election agent undertook to reimburse the expenses which may have been authorised by him or his election agent to be spent at the election. In order to constitute a corrupt practice as contemplated by Ss. 77 and 123(6) it is necessary to plead requisite facts showing authorisation, or undertaking of reimbursement by the candidate or his election agent. A mere vague and general statement that the candidate and his workers with his consent spent money in election in excess of the permissible ceiling would not be sufficient to constitute corrupt practice."

Again in *Gajanan Krishnaji Bapat and another v. Dattaji Raghobaji Meshra and others* (1995) 5 SCC 347, the apex court while dealing with the question of corrupt practice within the meaning of section 123(6) of the Act, held :—

"The election law insists that to unseat a returned candidate, the corrupt practice must be specifically alleged and strictly proved to have been committed by the returned candidate himself or by his election agent or by any other person with the consent of the returned candidate or by his election agent. Suspicion, however strong, cannot take the place of proof, whether the allegations are sought to be established by direct evidence or by circumstantial evidence. Since, pleadings play an important role in an election petition, the legislature has provided that the allegations of corrupt practice must be properly alleged and both the material facts and particulars provided in the petition itself so as to disclose a complete cause of action.

Section 83 of the Act provides that the election petition must contain a concise statement of the material facts on which the petitioner relies and further that he must set forth full particulars of the corrupt practice that he alleges including as full a statement as possible of the name of the parties alleged to have committed such corrupt practices and the date and place or the commission of each of such corrupt practice. This section has been held to be mandatory and requires first a concise statement of material facts and then the full particulars of the alleged corrupt practice, so as to present a full picture of the cause of action.

A petition levelling a charge of corrupt practice is required, by law, to be supported by an affidavit and the election petitioner is also obliged to disclose his source of information in respect of the commission of the corrupt practice. This becomes necessary to bind the election petitioner to the charge levelled by him and to prevent any fishing or roving enquiry and to prevent the returned candidate from being taken by a surprise."

The apex court in *Udhav Singh v. Madhav Rao Scindia* (AIR 1976 SC 744), had the occasion to examine the scope and ambit of the words "material facts" appearing in clause (a) of section 83(1) of the Act and the words "full particulars" appearing in clause (b) of the said section. It was held :—

"All the primary facts which must be proved at the trial by a party to establish the existence of a cause of action or his defence, are 'material facts'. In the context of a charge of corrupt practice 'material facts' would mean all the basic facts constituting the ingredients of the particular corrupt practice alleged, which the petitioner is bound to substantiate before he can succeed on that charge. Whether in an election petition, a particular fact is material or not and as such required to be pleaded is a question which depends on the nature of the charge levelled, the ground relied upon and the special circumstances of the case. In short, all those facts which are essential to clothe the petitioner with a complete cause of action, are 'material facts' which must be pleaded, and failure to plead even a single material fact amounts to disobedience of the mandate of Sec. 83(1)(a).

"Particulars, on the other hand, are the details of the case set up by party. 'Material particulars' within the contemplation of clause (b) of section 83(1) would therefore mean all the details which are necessary to amplify, refine and embellish the material facts already pleaded in the petition in compliance with the requirements of Clause (a). 'Particulars' serve the purpose of punishing touch to the basic contours of a picture already drawn, to make it full, more detailed and more informative."

The above ratio was reiterated by the apex court in *Daulat Ram Chauhan v. Anand Sharma* (AIR 1984 SC 62), It was held :—

"We must remember that in order to constitute corrupt practice, which entails not only the dismissal of the election petition but also other serious consequences like disbaring the candidate concerned from contesting a future election for a period of six years. The allegations must be very strongly and narrowly construed to the very spirit and letter of the law. In other words, in order to constitute corrupt practices the following necessary particulars, statement of facts and essential ingredients must be contained in the pleadings :—

- (1) Direct and detailed nature of corrupt practice as defined in the Act.
- (2) Details of every important particular must be stated giving the time, place, name of persons, use of words and expression etc.
- (3) It must clearly appear from the allegations that the corrupt practices alleged were indulged in by (a) the candidate himself (b) his authorised election agent or any other person with his express or implied consent.

A person may, due to sympathy or on his own support the candidature of a particular candidate but unless a close and direct nexus is proved between the of the person and the consent given to him by the candidate or his election agent, the same would not amount to a pleading of corrupt practice as contemplated by law. It cannot be left to time, chance or conjecture for the court to draw an inference by adopting an involved process of reasoning. In fine, the allegation must be so clear and specific that the inference of corrupt practice will irresistibly admit of no doubt or qualm."

The mandatory requirement of statement of "material facts" and setting forth of "full particulars" to meet the requirement of section 83(1)(a) and (b) of the Act was again reiterated by the apex Court in *C. Narayanaswamy v. C. K. Jaffer Shrief and others* (1993 Supp(3) SCC 17).

The Rajasthan High Court in *Mohammad Yusuf and another v. Bhairon Singh Shekhawat* (AIR 1995 Rajasthan 239), while explaining the expression "material facts" has pointed out the difference between the expression "material facts" and "full particulars" in the following terms :—

"The material facts mean (a) facts necessary to formulate a complete cause of action, (b) all the preliminary facts which must be proved by the party to establish a cause of action, (c) the basic facts which constitute ingredients of particular corrupt practice, (d) all the facts which are essential to clothe the petitioner with complete cause of action, (e) the facts which if established would give the petitioner the relief asked for, (f) the facts on the basis of which the court could give a direct verdict in favour of the election petitioner in case the returned candidate did not appear to oppose the petition (g) facts which if not proved, the petition must fail.

A 'reasonable cause of action' is said to mean a cause of action with some chances of success when only the allegations in the pleadings are considered. So long as the claim discloses some cause of action or raises some questions the mere fact that the case is weak and not likely to succeed is no ground for striking it out.

There is a difference between the 'material facts' and 'particulars'. The function of particulars is to present as full a picture of a cause of action with such information in details as to make the opposite party understand the case he will have to meet. There may be some overlapping between 'material facts' and 'particulars' but the two are quite distinct. The distinction is one of degree. The 'material facts' are those which the party relies upon and which if it does not prove, he fails."

The apex court also in *Samant N. Balakrishna etc. vs. George Fernandez and others etc.* (AIR 1969 SC 1201), while holding that the requirements of section 83 of the Act are mandatory, has drawn the distinction between the two expressions "material facts" and "full particulars", respectively appearing in clauses (a) and (b) of section 83(1) of the Act. It was held :—

".... The section is mandatory and requires first a concise statement of material facts and then requires the fullest possible particulars. What is the difference between material facts and particulars? The word 'material' shows that the facts necessary to formulate a complete cause of action must be stated. Omission of a single material facts leads to an incomplete cause of action and the statement of claim becomes bad. The function of particulars is to present as full a picture of the cause of action with such further information in detail as to make the opposite party understand the case he will have to meet. There may be some overlapping between material facts and particulars but the two are quite distinct. Thus the material facts will mention that a statement of fact (which must be set out) was made and it must be alleged that it refers to the character and conduct of the candidate that it is false or which the returned candidate believes to be false or does not believe to be true and that it is calculated to prejudice the chances of the petitioner. In the particulars, the name of the person making the statement, with the date, time and place will be mentioned. The material facts thus will show the ground of corrupt practice and the complete cause of action and the particulars will give the necessary information to present a full picture of the cause of action. In stating the material facts it will not do merely to quote the words of the section because then the efficacy of the words 'material facts' will be lost. The fact which constitutes the corrupt practice must be stated and the fact must be correlated to one of the heads of corrupt practice. Just as a plaint without disclosing a proper cause of action cannot be said to be a good plaint, so also an election petition with-

out the material facts relating to a corrupt practice is no election petition at all. A petition which merely cites the sections cannot be said to disclose a cause of action where the allegation is the making of a false statement. That statement must appear and the particulars must be full as to the person making the statement and the necessary information. Formerly the petition used to be in two parts. The material facts had to be included in the petition and the particulars in a schedule. It is inconceivable that a petition could be filed without the material facts and the schedule by merely citing the corrupt practice from the statute. Indeed the penalty of dismissal summarily was enjoined for petitions which did not comply with the requirement. Today the particulars need not be separately included in a schedule but the distinction remains. The entire and complete cause of action must be in the petition in the shape of material facts, the particulars being the further information to complete the picture...."

There is no denying that when the pleadings set out in the petition disclose a reasonable and enforceable cause of action and while pleadings do not suffer from the vice of non-disclosure of material facts, the court has no option but to proceed to dispose of the petition on merits, after affording the parties opportunity to lead evidence in support of their respective case. However, when the averments made in the petition does not disclose a cause of action and that such averments suffer from the vice of non-disclosure of material facts, the court can dismiss such a petition at the preliminary stage so that the respondent is saved from the ordeal of an unnecessary and protracted trial on merit.

As stated above, the case put forth by the petitioner is that the respondent is guilty of corrupt practice within the meaning of section 123(6) of the Act by incurring or authorising expenditure in contravention of section 77 of the Act.

Admittedly, a maximum limit of election expenditure under section 77(3) of the Act for each Parliamentary Constituency in Himachal Pradesh has been fixed at Rs. 4,15,000. As per the petitioner, the respondent has incurred and/or authorised expenditure far in excess of such maximum prescribed limit. However, in the return of election expenditure submitted by respondent, a sum of Rs. 2,60,152.79 Paise only is shown to have been incurred. According to the petitioner, though a sum of Rs. 2,10,000 was incurred towards hiring of Helicopter for campaigning, canvassing and electioneering work, only a sum of Rs. 39,292 has been shown in the return as having been expended on this account. Similarly, a sum of Rs. 1,50,000

though was spent on various advertisement published in different newspapers, only an expenditure of Rs. 13,770 has been accounted for in the return of election expenses. The expenditure incurred in connection with hiring of a helicopter for the visit of the then Prime Minister and President of the Congress Party to Kangra for holding election meetings and the expenditure incurred for making arrangements for such meetings have not been accounted for by the respondent.

The petitioner has claimed that the respondent incurred an expenditure to the tune of Rs. 2,10,000 towards the hiring charges of Helicopter, which was used by the Chief Minister with the consent of the respondent for campaigning, canvassing and other electioneering work. Such amount of Rs. 2,10,000 has been calculated on the basis of some information given by the Chief Minister on 11th January, 1996 on the floor of the Assembly in answer to some starred question.

It is the petitioner's own case that the Helicopter had been taken on lease from Messrs Masco Airlines, New Delhi. No averments have been made in the petition as to the course of information received by the petitioner with regard to expenditure of the alleged amount of Rs. 2,10,000 by the respondent. Neither there are averments to the effect that the petitioner had at any time approached the said Airways seeking information with regard to the use of Helicopter and the payment of hiring charges therefor and if so, by whom and/or at whose instance. There are also no averments that the expenditure was initially incurred by the Congress Party or any other person and the same were reimbursed by the respondent.

Pleadings to the similar effect and on similar lines were made in Election Petition No. 1 of 1996 (Prem Kumar Dhumal v. Maj. General Bikram Singh), decided on 10th June, 1997. It was held that sweeping and general statement that the respondent had spent such and such amount towards the use of Helicopter and that such expenditures were never accounted for without giving the detailed and material particulars in respect thereof would not be sufficient to constitute corrupt practice within the meaning of section 123(6) of the Act.

Similarly, the pleadings with regard to the expenditure of Rs. 1,50,000 towards publication of advertisement in various newspapers lack in material facts and particulars. According to the petitioner, as against the expenditure of Rs. 1,50,000 incurred by the respondent in this regard expenditure of only Rs. 13,770 has been accounted for in the return submitted by the respondent.

The petitioner has himself admitted in para 10 of the petition that the bills in respect of publication of various advertisements were sent to the Congress Party of Himachal Pradesh. The various

advertisements so published and annexed with the petition show that the same do not relate to the respondent alone. Such advertisements, which are shown to have been issued by the permanent Secretary of Himachal Pradesh Congress Committee are also in respect of other constituencies of Himachal Pradesh. The petitioner appears to have calculated the amount alleged to have been expended by the respondent by dividing the total amount spent on such advertisements by the total number of constituencies of Himachal Pradesh. Thus, only a general statement has been made that the total expenditure under the head was Rs. 1,50,000. No specific averments have been made that payment of Rs. 1,50,000 was in fact made by the respondent himself or by his election agent or a person with his consent or under his authority.

Similar pleas were held to be not in accordance with the requirement of section 83 of the Act in Prem Kumar Dhumal's case (supra).

Further general averments made in para 12 of the petition are to the effect that Shri P. V. Narasingh Rao, the then Prime Minister of India and Congress President had visited Kangra District on 15th April, 1996 to address a public meeting at Kangra for the purpose of canvassing, campaigning and electioneering work for securing votes for the respondent. For such purpose a Helicopter was used by the then Prime Minister. The expenses incurred therefor have not been included and accounted for by the respondent in the return submitted by him. Besides, the expenditure incurred towards the arrangements made for such public meeting, such as, hiring of Pandals, setting up of the stage, reception gates, Shamianas, furniture etc. also was never accounted for by the respondent.

The pleadings put forward in this behalf lack material particulars, inasmuch, as neither the amount alleged to have been spent has been specified, nor a word has been said that such expenditure was in fact incurred by the respondent or his election agent or by a person with his consent or under his authority. The pleadings on the face of it are vague and indefinite and do not make out an enforceable cause of action.

Explanation-I to section 77(1) of the Act specifically provides that any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual, other than the candidate or his election agent shall not be deemed to be and shall not even be deemed to have been expenditure incurred or authorised by the candidate or by his election agent. In other words, no expenditure incurred or authorised by—

- (a) a political party; or
- (b) any other association; or

(c) body of persons; or

(d) any individual other than the candidate and his election agent,

in connection with the election of a candidate is to be treated as expenditure incurred by the candidate or his election agent. (See: Gajanan Krishanji Bapat and another v. Dattaji Raghobaji Meghe and others [(1995) 5 SCC 347].

In the face of the above referred to Explanation-I to section 77(1) of the Act, it becomes all the more necessary for the petitioner to specifically plead that the alleged expenditure was incurred or authorised by the respondent or his election agent or by a person with his consent or under his authority. As stated above, such pleadings are lacking in the present case.

Considering the pleadings set out in the present case by the petitioner, in totality it can be safely concluded that such pleadings lack in material particulars and do not contain allegations of a complete charge of corrupt practice against the respondent as required under section 83 of the Act. No enforceable cause of action has thus been

made out. The issue is accordingly found against the petitioner.

Relief :

As a result of the findings recorded under issue No. 4 above, the present petition fails and the same is accordingly dismissed at the preliminary stage, leaving the parties to bear their own costs.

The Registry shall communicate the decision of the present petition to the Election Commission and the Speaker of the Lok Sabha, by sending an authenticated copy of the judgment, in accordance with the provisions contained in section 103 of the Act.

August 26, 1997.

(Misra)

Sd/-

R. L. KHURANA, Judge

[No. 82/HP-HP/3/96]

By Order,

K. J. RAO, Secy.

आदेश

नई दिल्ली, 7 अक्टूबर, 1997

आ. प्र. 232 :- निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तंभ (2) में यथा विनिर्दिष्ट मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन; तथा उप निर्वाचन के लिए जो स्तंभ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तंभ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विनियम बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तंभ (5) में यथा दशित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है।

और उक्त अभ्यर्थियों ने समयक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है;

अतः अब निर्वाचन आयोग उक्त अधिनियम की धारा 10क के अनुसरण में नीचे की सारणी के स्तंभ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए आदेश की सारीख से तीन वर्ष की मासवधि के लिए निरहिता घोषित करता है।

सारणी

क्र. सं.	निर्वाचन का विवरण	निर्वाचन-क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम	निरहिता का कारण
1	2	3	4	5
1.	मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1993	196:- जबलपुर केन्द्रीय विधान सभा निर्वाचन क्षेत्र	श्री शकील उल्फत, 1176, नया मुहल्ला, जबलपुर, म. प्र.।	विधि द्वारा अपेक्षित रीति से लेखा दाखिल करने में असफल रहा।

1	2	3	5	5
2.	मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन, 1993	259—आगर विधान सभा निर्वाचन क्षेत्र	श्री इन्दर मल, ग्राम—कुंडलाखेड़ा, पोस्ट पालड़ा, तहसील-आगर, म. प्र. ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा ।
3.	—वही—	—वही—	श्री मांगीलाल, ग्राम लोटिया किसना, तहसील बड़ोद, म. प्र. ।	—वही—
4.	मध्य प्रदेश विधान सभा के लिए उप-निर्वाचन 1996 ।	67—गढ़ विधान सभा निर्वाचन क्षेत्र	श्री बी. जी. पटेल, 13/322, नेहरू नगर, रीवा, म. प्र. ।	—वही—
5.	—वही—	—वही—	श्री राम मनोहर साकेत, ग्राम ब पो. हर्दी, जिला—रीवा, म. प्र. ।	—वही—
6.	—वही—	—वही—	श्री जयवीर सिंह, ग्राम—उलही कलां, पो.—उलही खुर्द, जिला-रीवा, म. प्र. ।	—वही—
7.	—वही—	—वही—	श्री तुलसी दास कोल, ग्राम ब पो. हर्दी, जिला—रीवा, म. प्र. ।	—वही—
8.	—वही—	—वही—	श्री पवन कुमार दुबे, ग्राम—सेमरी कलां, पो०ओ०—नवागांव, जिला—रीवा, म. प्र. ।	—वही—
9.	—वही—	—वही—	श्री भुवनेश्वर प्रसाद पाण्डेय, ग्राम ब पो. रामनई, जिला—रीवा, म. प्र. ।	—वही—
10.	—वही—	—वही—	श्री राम लाल कोल, ग्राम ब पो. अटरिया, जिला—रीवा, म. प्र. ।	—वही—
11.	मध्य प्रदेश विधान सभा के लिए उप-निर्वाचन, 1997	245—भोजपुर विधान सभा निर्वाचन क्षेत्र	श्री प्रकाश राय, जवाहर लाल बाई नं.—4, ओबेदुल्लागंज, म. प्र. ।	विधि द्वारा अपेक्षित रीति से लेखा दाखिल करने में असफल रहा ।

[सं. 76/म. प्र./97]

आदेश से,
एल. एच. फारूकी, सचिव

ORDER

New Delhi, the 7th October, 1997

O.N. 232.—Whereas the Election Commission is satisfied that each of the contesting candidate in column (4) of the Table below at the General Election & Bye Election to Madhya Pradesh Legislative Assembly specified in column (3) held from the constituency specified in column (3) against his name has failed to lodge any account of his election expense as required by the Representation of the People Act, 1951 and the rule made thereunder as shown in column (5) of the said Table;

And, Whereas, the said candidates have not furnished any reason of explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a state for a period of 3 Years for the date of this order:—

TABLE

Sl. No.	Particulars of election	No. & Name of Constituency	Name & Address of contesting candidate	Reason for dis-qualification
1	2	3	4	5
1.	General Election to Madhya Pradesh Legislative Assembly, 1993.	196-Jabalpur Central Assembly Constituency	Sh. Shakel Ulfat, 1176, Naya Mohalla, Jabalpur, M.P.	Failure to lodge the account in the manner required by law.
2.	-do-	259-Agar Assembly Constituency	Sh. Indermal, Village Kundlakheda, Post Palda Tehsi Agar, M.P.	Failure to lodge any account of election expenses.
3.	-do-	-do-	Sh. Mangilal, Village Lotia Kishna, Tehsil Barod, M.P.	-do-
4.	Bye Election to Madhya Pradesh Legislative Assembly, 1996.	67-Gurh Assembly Constituency	Sh. B.D. Patel, 13/322, Nehru Nagar, Rewa, M.P.	-do-
5.	-do-	-do-	Sh. Ram Manohar Saket, Vill. P.O. Hardee, Distt. Rewa, M.P.	-do-
6.	-do-	-do-	Sh. Jayveer Singh, Vill. Ulhee Kala, P.O. Ulhee Khurd, Distt. Rewa, M.P.	-do-
0.	-do-	-do-	Sh. Tulsi Das Kol, Vill. P.O. Hardee, Distt. Rewa, M.P.	-do-
8.	-do-	-do-	Sh. Pavan Kumar Dubey, Vill. Semari Kala, P.O. Navagawn Distt. Rewa, M.P.	-do-
8.	-do-	-do-	Sh. Bhuvneshwar Prasad Pandey, Vill. P.O. Ram Nai Distt. Rewa, M.P.	-do-
10.	-do-	-do-	Sh. Ram Lal Ko, Vill. P.O. Atariya, Distt. Rewa, M.P.	-do-
11.	Bye Election to Madhya Pradesh Legislative Assembly, 1997.	245-Bhojpur Assembly Constituency	Sh. Prakash Rai, Jawahar Lal Ward No. 4, Bedullahganj, M.P.	Failure to lodge the account in the manner required by law.

[No. 76/MP/97]

By Order,
L.H. FARUQI, Secy.

आदेश

नई दिल्ली, 7 अक्टूबर, 1997

आ. अ. 233.--निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथाविनिर्दिष्ट मध्य प्रदेश से लोक सभा के लिए साधारण निर्वाचन, 1996 के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विनिर्दिष्ट नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथावश्यक अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है।

और उक्त अभ्यर्थियों ने सम्यक सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी

क्र. सं.	निर्वाचन का विवरण	निर्वाचन-क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम	निरहता का कारण
1	2	3	4	5
1.	मध्य प्रदेश से लोक सभा के लिए साधारण निर्वाचन, 1996	9--रीवा लोक सभा निर्वाचन क्षेत्र	श्री अनुसुध्या प्रसाद कुशवाहा, मोहनबाग खलगा उपरहटी, लोहिया बार्ड, रीवा, म. प्र.	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
2.	--वही--	--वही--	श्री अमर सिंह, परनिहा टोला बांसा पोस्ट, रोबिन्द गाँ, जिला रीवा, म. प्र.	--वही--
3.	--वही--	--वही--	श्री अम्बिका प्रसाद शर्मा, ग्राम कचूर, पोस्ट--कचूर, जिला--रीवा, म. प्र.	--वही--
4.	--वही--	--वही--	श्री अबोध्या प्रसाद बेबट, ग्राम मण्डना, पो. पृथ्वी, तहसील--मउरंज, जिला रीवा, म. प्र.	--वही--
5.	--वही--	--वही--	श्री अरुण कुमार तिवारी, ग्राम अनंतपुर, पो. शासकीय अभियांत्रिकी महाविद्यालय, रीवा, म. प्र.	--वही--
6.	--वही--	--वही--	श्री अपोक्ष कुमार उपाध्याय, ग्राम करादी, पो. ककलपुर, तहसील अमरपाटन, जिला सतना, म. प्र.	--वही--
7.	--वही--	--वही--	श्री केदार प्रसाद, ग्राम पोस्ट वीड़ा, जिला रीवा, म. प्र.	--वही--

1	2	3	4	5
8.	मध्य प्रदेश से लोक सभा के लिए साधारण निर्वाचन 1996।	9--रीवा लोक सभा निर्वाचन क्षेत्र	श्री छोटे लाव, ग्राम पुनरी पो. मगरा, जिला रीवा, म. प्र.	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा।
9.	--वही--	--वही--	श्री छोटे लाल रजक, बजरंगनगर, उरहट, जिला रीवा, म. प्र.	--वही--
10.	--वही--	--वही--	श्री दादू बी. कोल, मोहल्ला उरहट, पो. के. स्कूल, के पीछे, जिला रीवा, म. प्र.	--वही--
11.	--वही--	--वही--	श्री दिनेश प्रताप सिंह सेंगर, ग्राम बसौली नं. 1, पो. टिक्कुरी, नं. 32, जिला रीवा, म. प्र.	--वही--
12.	--वही--	--वही--	श्री दीपक, मेडो मेडिकल हॉल हॉस्पिटल चौक, रीवा, म. प्र.,	--वही--
13.	--वही--	--वही--	श्री नवल लाल सेन, मकान नं. 179, निपनिया जिला रीवा, म. प्र.	--वही--
14.	--वही--	--वही--	श्री नरेन्द्र कुमार उपाध्याय, ग्राम पोस्ट चोरहटा, जिला रीवा म. प्र.।	--वही--
15.	--वही--	--वही--	श्री पिबूष कुमार मिश्रा, कांग्रेस भवन के सामने, घोछर रीवा, म. प्र.	--वही--
16.	--वही--	--वही--	श्री फूलचन्द्र कुशवाहा, ग्राम करौदा, पो. गढा, जिला सतना, म. प्र.।	--वही--
17.	--वही--	--वही--	श्री बृज किशोर सिंह, ग्राम कम्हारा जमुमानी, पोस्ट कम्हारा जमुमानी, जिला रीवा, म. प्र.	--वही--
18.	--वही--	--वही--	श्री भीमसेन, ग्राम बोर्लिहा, पो. करौवी, जिला रीवा, म. प्र.।	--वही--
19.	--वही--	--वही--	श्री मानेन्द्र सिंह, ग्राम पोस्ट बेला, जिला सतना, म. प्र.	--वही--
20.	--वही--	--वही--	श्री यमुना प्रसाद साकेत, ग्राम व पोस्ट केलवारी (गढ़), जिला रीवा, म. प्र.।	--वही--

1	2	3	4	5
21.	मध्य प्रदेश से लोक सभा के लिए साधारण निर्वाचन, 1996।	9--रीवा लोक सभा निर्वाचन क्षेत्र	श्री रवि शैतम, नालवा कालेज रोड, जिला रीवा, म. प्र.	निर्वाचन व्ययों का बोर्ड श्री लेखा दाखिल करने में प्रसन्न रहा।
22.	--वही--	--वही--	श्री रामकृष्ण, शौरसिया धर्मकाटा के पास, जिला रीवा, म. प्र.।	--वही--
23.	--वही--	--वही--	श्री रामनारायण सिंह; ग्राम लेन पोस्ट बधरा, तहसील सिरमौर, जिला रीवा, म. प्र.।	--वही--
24.	--वही--	--वही--	श्री राम लाल, ताम्रकार, बाबा का कटरा के पास, पुलिस चौक जिला रीवा, म. प्र.	--वही--
25.	--वही--	--वही--	श्री रामशिरोमणि साकेत, ग्राम व पो. सेमरिया, तहसील सिरमौर, जिला रीवा, म. प्र.	--वही--
26.	--वही--	--वही--	श्री रामसजीवन सोनी, ग्राम बिल्हा पो० खरा; जिला रीवा, म०प्र०।	--वही--
27.	--वही--	--वही--	श्री रामावतार कुशवाहा, ग्राम पगरा पोस्ट महुडर, जिला सतना, म०प्र०।	--वही--
28.	--वही--	--वही--	श्री विश्वनाथ, ग्राम पहड़िया, पोस्ट बगदरा, जिला रीवा, म०प्र०।	--वही--
29.	--वही--	--वही--	श्री विष्णु नारायण सिंह, ग्राम पटियारी, पो. पटियारी, जिला रीवा, म. प्र.।	--वही--
30.	--वही--	--वही--	श्री बीरेन्द्र सिंह बघेल, ग्राम गोदहा पोस्ट बीणा, जिला रीवा, म. प्र.।	--वही--
31.	--वही--	--वही--	डा. बृजमोहन, ग्राम व पोस्ट क्षिन्ना (रामपुर बघेलान) जिला सतना, म. प्र.	--वही--
32.	--वही--	--वही--	श्री शेषमणि शील, ग्राम पुरवा पोस्ट पड़रिया, जिला रीवा, म. प्र.।	--वही--
33.	--वही--	--वही--	श्रीमती श्यामलिया बिहारी उर्मलिया, ग्राम व पोस्ट तिखनी, तहसील सिरमौर, जिला रीवा, म. प्र.	--वही--

1	2	3	4	5
34. मध्य प्रदेश से लोक सभा के लिए साधारण निर्वाचन, 1996	9-रीवा लोक सभा निर्वाचन क्षेत्र	श्री ध्याम सुन्दर, बोवाबाग मकान नं. 53, जिला रीवा, म.प्र.	निर्वाचन व्यर्थों का बोर्ड भी लेखा दाखिल करने में असफल रहा।	
35. --वही--	--वही--	श्री बाबा जीबदास सरयू प्रसाद, जीबदास आश्रम पञ्चरा, जे.पी. डीमेंट रोड, जिला रीवा, म.प्र.।	--वही--	
36. --वही--	--वही--	श्री डीताराम यादव, राम-जोगिनहाई, पोस्ट-सुरसा, जिला रीवा, म.प्र.।	--वही--	
37. --वही--	--वही--	श्री सुशील, राम मनकहरी, पोस्ट-बटिया, जिला सतना, म.प्र.।	--वही--	
38. --वही--	--वही--	श्री सुरेश पाटक, राम पोस्ट जाम्ना, जिला-रीवा, म.प्र.।	--वही--	
39. --वही--	--वही--	श्री सुशील कुमार, राम व पोस्ट तपा, जिला सतना, म.प्र.।	--वही--	
40. --वही--	--वही--	श्री रामेश्वर तेली, राम करीदी पोस्ट ककलपुर, जिला सतना, म.प्र.।	--वही--	
41. --वही--	--वही--	श्री हरि प्रसाद सुरेश्वरी, राम-बुडमनिया, पोस्ट-दीपवारा, जिला-रीवा, म.प्र.।	--वही--	
42. --वही--	19-काकेर(म.ज.जा.) लोक सभा निर्वाचन क्षेत्र	श्री बंभूराम "धनेन्द्र" 5-एल, सड़क-19, सेक्टर-8, मिलार्ड, जिला—दुर्ग, म.प्र.	समय के अन्तर विधि द्वारा अपेक्षित रीति से लेखा दाखिल करने में असफल रहा।	
43. --वही--	25-जबलपुर लोक सभा निर्वाचन क्षेत्र	श्री देवेन्द्र कुमार, 42, राम संसारपुर, तह. बीहोरा, जि. जबलपुर म.प्र.	निर्वाचन व्यर्थों का बोर्ड भी लेखा दाखिल करने में असफल रहा।	
44. --वही--	--वही--	श्री मधुरा प्रसाद वाघरे, 460, ध्यामा प्रसाद मुखर्जी मार्ग, जिला-जबलपुर, म.प्र.।	--वही--	

[सं. 76/म.प्र./96(12)]

आदेश से,
एल.एच. पारुकी, सचिव

ORDER

New Delhi, the 7th October, 1997

O.N. 233.—Whereas the Election Commission is satisfied that each of the contesting candidate specified in column (4) of the table below at the General Election to Lok Sabha 96 from Madhya Pradesh as specified in column (2) held from the constituency specified in column (3) against his name has failed to lodge any account of his election expense as required by the Representation of the People Act, 1951 and the rule made there under as shown in column (5) of the said Table.

And, whereas, the said candidates have not furnished any reason of explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the person specified in column (4) of the Table below to be disqualified for being chosen as and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a state for a period of 3 Years for the date of this Order :—

TABLE

Sl. No.	Particulars of election	No. & Name of Constituency	Name & Address of contesting candidate	Reason for disqualification
1	2	3	4	5
1.	General Election to Lok Sabha, 1996 from Madhya Pradesh.	9-Rewa Parliamentary Constituency	Sh. Anusuiya Prasad, Mohanbag Khalsa Uprahiti, Lohiya Ward Rewa, M.P.	Failure to lodge any account of election expenses.
2.	-do-	9-Rewa Parliamentary Constituency	Sh. Amar Singh, Purainiha Tola Bansa P.O. Govindgarh Distt. Rewa, M.P.	-do-
3.	-do-	ido-	Sh. Ambika Prasad Sharma, Vill. Kachoor, P.O. Kachoor, Distt. Rewa, M.P.	-do-
4.	-do-	-do-	Sh. Ayodhya Prasad Kewat, Vill. Madana, P.O. Fulha, Teh. Mauganj, Distt. Rewa, M.P.	-do-
5.	-do-	-do-	Sh. Arun Kumar Tiwari, Vill. Anantpur, P.O. Govt. Engineering College Distt. Rewa, M.P.	-do-
6.	-do-	-do-	Sh. Ashok Kumar Upadhyay, Vill. Karaundi, P.O. Kakalpur, Teh. Amarpatan, Distt. Satna, M.P.	-do-
7.	-do-	-do-	Sh. Kedar Prasad, Vill. & P.O. Beeda, Distt. Rewa, M.P.	-do-
8.	-do-	-do-	Sh. Chotelal, Vill. Putari, Post Sagara, Distt. Rewa, M.P.	-do-
9.	-do-	-do-	Sh. Chotelal, Rajak, Bajrang Nagar, Urrahat, Distt. Rewa, M.P.	-do-

1	2	3	4	5
10.	General Election to Lok Sabha, 1996 from Madhya Pradesh.	9-Rewa Parliamentary Constituency,	Sh. Daddi Kol, Mohalla-Urahat Behind of P.K. School Distt. Rewa, M.P.	Failure to lodge any account of Election expenses.
11.	-do-	-do-	Sh. Dinesh Pratap Singh Sengar, Vill. Basoli No. 1, Post Tikuri —32, Distt. Rewa, M.P.	-do-
12.	-do-	-do-	Sh. Deepak, Sethi Medical Hall, Hospital Chowk, Distt. Rewa, M.P.	-do-
13.	-do-	-do-	Sh. Nathu Lal Sen, House No. 179 Nipaniya, Distt. Rewa, M.P.	-do-
14.	-do-	-do-	Sh. Narendra Kumar, Upadhyay, Vill. & Post Choratha, Distt. Rewa, M.P.	-do-
15.	-do-	-do-	Sh. Piyush Kumar Mishra Infont of Congress, Bhawan, Gohar, Distt. Rewa, M.P..	-do-
16.	-do-	-do-	Sh. Phool Chandra Kushwaha, Vill. Karoha, Post, Gadha, Distt. Satna, M.P.	-do-
17.	-do-	-do-	Sh. Brij Kishor Singh, Vill & Post Kumhara-Judmani, Distt. Rewa, M.P.	-do-
18.	-do-	-do-	Sh. Bhim Sen, Vill. Bouliha, , Post, Karaundi Distt. Rewa, M.P.	-do-
19.	-do-	-do-	Sh. Manendra Singh, Vill. Bela, Post Bela, Distt. Gatna, -M.P.	-do-
20.	-do-	-do-	Sh. Yamuna Prasad Baket, Vill. & Post Kalwari (Gath), Distt. Rewa, M.P.	-do-
21.	-do-	-do-	Sh. Ravi Gautam Nananda College Road, Distt. Rewa, M.P.	-do-
22.	-do-	-do-	Sh. Ram Krishna Near Chaurasiya Dharma Kata, Distt. Rewa, M.P.	-do-
23.	-do-	-do-	Sh. Ram Narayan Singh, Vill. Laion, Post, Badhar, Teh. Sirmour, Distt. Rewa, M.P.	-do-

1	2	3	4	5
24.	General Election to Lok Sabha, 1996 from Madhya Pradesh	9-Rewa Parliamentary Constituency	Sh. Ram Lal Thamarkar, Near Baba Ka Katra, Police Choki Distt. Rewa, M.P.	Failure to lodge any account of election expenses.
25.	-do-	-do-	Sh. Ram Sheromani Saket. Vill. & Post Semariya, Teh. Sirmour, Distt. Rewa, M.P.	-do-
26.	-do-	-do-	Sh. Ram Sajeevan Soni, Vill. Dilha Post, Khara, Distt. Rewa, M.P.	-do-
27.	-do-	-do-	Sh. Ramawater Kushwah, Vill. Pagra, Post, Mahudar, Distt. Satna, M.P.	-do-
28.	-do-	-do-	Sh. Vishwanath, Vill. Pahadiya Post, Bakdara, Distt. Rewa, M.P.	-do-
29.	-do-	-do-	Sh. Vishnu Narayan Singh, Vill. & Post Patiyari, Distt. Rewa, M.P.	-do-
30.	-do-	-do-	Sh. Veerendra Singh. Baghel, Vill. Godha Post Bina, Distt. Rewa, M.P.	-do-
31.	-do-	-do-	Dr. Brij Mohan, Vill. & Post Chhinna, (Rampur Beghelan), Distt. Satna, M.P.	-do-
32.	-do-	-do-	Sh. Sheshmani Kol, Vill. Purva, Post Padariya, Distt. Rewa, M.P.	-do-
33.	-do-	-do-	Smt. Shyamliya Bihari Urmaliya, Vill. & Post, Tivuni, Teh. Sirmour, Distt. Rewa, M.P.	-do-
34.	-do-	-do-	Sh. Shyam Sunder, Bodabag, Distt. Rewa, M.P. House No. 53	
35.	-do-	-do-	Sh. Baba Aughardas Saryu, Prasad, Augardas Ashram Padra, J.P. Cement Road, Distt. Rewa, M.P.	-do-
36.	-do-	-do-	Sh. Sita Ram Yadav, Vill. Joginihai, Post, Sursa, Distt. Rewa, M.P.	-do-

1	2	3	4	5
37.	General Elec tion to Lok Sabha, 1996 from Madhya Pradesh.	9-Rewa Parlia- mentary Consti- tuency	Sh. Sugreeva, Vill. Mankahari, Post. Bathiya, Distt. Satna, M.P.	-do-
38.	-do-	-do-	Sh. Suresh Pathak, Vill. & Post, Jamu, Distt. Rewa, M.P.	-do-
39.	-d-	-do-	Sh. Sushil Kumar, Vill. & Post, Tawa, Distt. Satna, M.P.	-do-
40.	-do-	-do-	Sh. Someshwar Teli, Vill. Karondi, Post, Kakalpur, Distt. Satna, M.P.	-do-
41.	-do-	-do-	Sh. Hari Prasad Suryansi, Vill. Judmania Post, Paipakhara, Distt. Rewa, M.P.	-do-
42.	-do-	19-Kanker (ST) Parliamentary Constituency	Sh. Shambhoo Ram "Dhanendra", 5-L, Street 19, Sector, 6, Bhilai, Distt. Durg, M.P.	Failure to lodge the account of election expenses within time & manner required by law.
43.	-do-	25-Jabalpur Parlia- mentary Consti- tuency.	Sh. Devendra Kumar, 42. Vill. Sansarpur, Teh. Sihora, Jabalpur, M.P.	Failure to lodge any account of election expenses
44.	-do-	-do-	Sh. Mathura Prasad Vathare, 460, Shyama Prasad Mukherjee, Ward, Jabalpur, M.P.	-do-

[No. 76/MP/96 (12)]

By Order,
L.H. FARUQI, Secy.

नई दिल्ली, 10 अक्टूबर, 1997

आ.प्र. 234.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत निर्वाचन आयोग एतद्वारा त्रिपुरा सरकार के परामर्श से, श्री एस. के. पांडा के स्थान पर श्री बी. के. चक्रवर्ती, आई. ए. एस., त्रिपुरा सरकार के सचिव, नियुक्ति और सेवा विभाग को त्रिपुरा राज्य के मुख्य निर्वाचन अधिकारी के रूप में, उनके कार्यभार ग्रहण करने की तारीख से और अगले आदेशों तक, नामित करता है।

2. श्री बी. के. चक्रवर्ती त्रिपुरा सरकार के अधीन सभी पदभार या किसी कार्य के पदभारों को तत्काल सौंप देंगे या धारण करना समाप्त कर देंगे जो कि वे ऐसा पदभार ग्रहण करने से पहले धारण कर रहे थे।

3. श्री बी. के. चक्रवर्ती मुख्य निर्वाचन अधिकारी, त्रिपुरा के रूप में कार्य करते हुए त्रिपुरा सरकार के अधीन किसी भी प्रकार का कोई अतिरिक्त कार्यभार ग्रहण नहीं करेंगे सिवाय इसके कि उनको राज्य सचिवालय में निर्वाचन विभाग से प्रभारी सरकार का सचिव पदाभिहित किया जायेगा।

[सं. 154/त्रिपुरा/97)]

आदेश से,

सी. आर. ब्रह्मम्, सचिव

New Delhi, the 10th October, 1997

O.N. 234.—In exercise of the powers conferred by sub-section (1) of Section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India in consultation with the Government of Tripura hereby nominates Shri B. K. Chakraborty, IAS, Secretary to the Government of Tripura, Appointment and Services Department, as the Chief Electoral Officer for the State of Tripura with effect from the date he takes over charge and until further orders *vice* Shri S. K. Panda.

2. Shri B. K. Chakraborty shall cease to hold and hand over forthwith the charge of all or any charges of work under the Government of Tripura which he may be holding before such assumption of office.

3. Shri B. K. Chakraborty while functioning as the Chief Electoral Officer, Tripura, shall not hold any additional charge whatsoever under the Government of Tripura except that he should be designated Secretary to the Government in charge of Election Department in the State Secretariat.

[No. 154/TP/97]

By Order,

C. R. BRAHMAM, Secy.